

**CERTIFICATE OF MAILING UNDER 37 CFR §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: November 6, 2006 Name: Gregory H. Zavia - Reg. No. 48,059 Signature: *Gregory Zavia*

**BRINKS
HOFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Yasuyuki Kawashima

Appln. No.: 10/821,732

Filed: April 8, 2004

For: Methods for Measuring Bacteria,
Bacteria Measuring Apparatuses,
and Storage Media for Storing
Computer-Executable Programs for
Analyzing Bacteria

Attorney Docket No.: 11333/38
Sysmex Ref. No.: 1-2002-090US

Examiner: Clark D. Petersen

Art Unit: 1657

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

Transmittal (in duplicate); Response to Restriction Requirement and Election;
 Return Receipt Postcard

Fee calculation:

No additional fee is required.
 Small Entity.
 A petition or processing fee in an amount of \$ _____ under 37 CFR § 1.17(______).
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$	Total	\$	

Fee payment:

A check in the amount of \$ _____ is enclosed.
 Please charge Deposit Account No. 23-1925 in the amount of \$ _____ A copy of this Transmittal is enclosed for this purpose.
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

November 6, 2006
Date

Gregory Zavia
Gregory H. Zavia (Reg. No. 48,059)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on November 6, 2006

Date of Deposit

Gregory H. Zayia – Reg. No. 48,059

Name of applicant, assignee or
Registered Representative

Gregory Zayia

Signature

November 6, 2006

Date of Signature

JPC
Our Case No. 11333/38
Sysmex Ref. No. 1-2002-090US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yasuyuki Kawashima)
Serial No. 10/821,732) Examiner: Clark D. Petersen
Filing Date: April 8, 2004) Group Art Unit No. 1657
For: Methods for Measuring Bacteria,)
Bacteria Measuring Apparatuses,)
and Storage Media for Storing)
Computer-Executable Programs for)
Analyzing Bacteria)

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Restriction Requirement mailed October 6, 2006, Applicant respectfully requests entry of the following remarks, which begin on page 2 of this communication.